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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,737	01/06/2004	Allen DorEl	023243.0003US1	4748
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Rutan & Tucker, LLP. 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626			EXAMINER EKPO, NNIENNA NGOZI	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 07/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/752,737

Applicant(s)

DOREL, ALLEN

Examiner

Nnenna N. Ekpo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-60 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Acknowledgement

1. This Office Action is responsive to the remarks filed on April 23, 2008.

Double Patenting

2. Previous double patenting rejection is withdrawn in view of the terminal disclaimer submitted by applicant.

Response to Arguments

3. Applicant's arguments filed 04/23/2008 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-12, 17-28, 33-44 and 55-59** are rejected under 35 U.S.C. 102(b) as being anticipated by DorEl (U.S. Patent No. 5,721,951).

Regarding **claim 1**, DorEl discloses a multimedia apparatus configured for use in a home entertainment system, said apparatus comprising (see fig 1, col. 2, lines 57-60, col. 3, lines 65-67 and col. 4, lines 1-5):

a data communication link configured to receive a software program via a network; (see fig 5 (38), col. 3, lines 16-21 and col. 7, lines 17-27) wherein the software

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programs are formatted and published for compatibility with standard computer platforms (see cited portion, but not limited to abstract, lines 1-8, col. 2, lines 51-56);

a processing device configured to identify the software program received by the data communications link and to determine whether said software program needs to be installed or has already been installed, and if it needs to be installed, to determine whether installation information relating to the software program is available to the processing device, said processing device further being configured to begin playing the software program if it has already been installed or to automatically initialize an installation of the software program prior to playing the software program if the installation information is available (see fig 3 and col. 5, lines 27-67, col. 6, lines 1-21); whereby the processing device is capable of initiating the software program without alteration or additional configuration of the software program (see cited portion, but not limited to col. 2, lines 57-col. 3, line 2); and

an output means for providing audio and image data resulting from playing of the software program to the home system (see col. 2, lines 62-67).

Regarding **claim 17**, DorEl discloses a home entertainment system comprising (see col. 2, lines 57-62):

an input for receiving user commands (see col. 4, lines 57-63);

a display for presentation of image data (see col. 4, lines 42-47);

an audio circuit for presentation of audio data (see col. 4, lines 38-41);

one or more audio or video components for playing audio or video recordings (see col. 6, lines 35-49); and

a multimedia apparatus having capability of playing software programs, comprising (see col. 6, lines 66-67 and col. 7, lines 1-6):

a data communications link configured to receive a software program via a network; (see fig 5 (38), col. 3, lines 16-21 and col. 7, lines 17-27) wherein the software programs are formatted and published for compatibility with standard computer platforms (see cited portion, but not limited to abstract, lines 1-8, col. 2, lines 51-56);

a processing device configured to identify the software program received by the data communications link and to determine whether said software program needs to be installed or has already been installed, and if it needs to be installed, to determine whether installation information relating to the software program is available to the processing device, said processing device further being configured to begin playing the software program if it has already been installed or to automatically initialize an installation of the software program prior to playing the software program if the installation information is available (see fig 3 and col. 5, lines 27-67, col. 6, lines 1-21) whereby the processing device is capable of initiating the software program without alteration or additional configuration of the software program (see cited portion, but not limited to col. 2, lines 57-col. 3, line 2); and

an output means for providing audio and image data resulting from the playing of the software program to the audio means and the display means (see col. 2, lines 62-67).

Regarding **claim 33**, DorEl discloses a method of executing a software program in a home entertainment system, said method comprising (see col. 9, lines 29-32):

providing a data communications link configured to receive software program from a network (see fig 5 (38), col. 3, lines 16-21 and col. 7, lines 17-27); whereby the communications link provides access to interactive television services, video conferencing and instant replay of television transmission, interactive multimedia software programs and other multimedia medium (see cited portion, but not limited to col. 3, lines 16-27);

identifying the software program being read by the reading means (see col. 5, lines 39-47 and col. 12, lines 8-9);

determining whether the software program needs to be installed or has already been installed, and should it need to be installed, whether installation information relating to the software program being read by the reading means is available to be used to perform an automatic installation of the software program (see fig 3 and col. 5, lines 27-67, col. 6, lines 1-21);

beginning the playing of the software program if it has already been installed or automatically initializing an installation of the software program prior to executing the software program if the installation is available (see fig 3 and col. 5, lines 55-67, col. 6, lines 1-21); and

providing audio and image data resulting from the playing of the software program to the home entertainment system (see col. 2, lines 62-67).

Regarding **claims 2, 18 and 34**, DorEl discloses everything claimed as applied above (*see claims 1, 17 and 33*). The multimedia apparatus wherein the network (wide area network) comprises the Internet (see col. 7, lines 19-27).

Regarding **claims 3, 19 and 35**, DorEl discloses everything claimed as applied above (*see claims 1, 17 and 33*). The multimedia apparatus further comprising a database containing installation information relating to software programs identifiable for playing by the multimedia apparatus, wherein the processing device is configured to determine whether installation information relating to the software program being read by the reading means is available to the processing device by looking up the database (see col. 3, lines 3-15).

Regarding **claims 4, 20 and 36**, DorEl discloses everything claimed as applied above (*see claims 3, 19 and 35*). The multimedia apparatus wherein the database includes an installation status table containing installation information for particular software programs identifiable by the multimedia apparatus (see col. 5, 27-31).

Regarding **claims 5, 21 and 37**, DorEl discloses everything claimed as applied above (*see claims 1, 17 and 33*). The multimedia apparatus wherein the processing device is configured to identify said software program (CD-ROM or other multimedia

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medium) by deriving a unique identifier from unique elements intrinsic to said software program (see col. 3, lines 13-15).

Regarding **claims 6, 22 and 38**, DorEl discloses everything claimed as applied above (see *claims 5, 21 and 37*). The multimedia apparatus wherein the processing device is further configured to match said unique identifier (identifier) to the installation information in the database (IST) (see col. 5, lines 48-50).

Regarding **claims 7, 23 and 39**, DorEl discloses everything claimed as applied above (see *claims 5, 21 and 37*). The multimedia apparatus wherein the processing device is further configured to derive said unique identifier (identifier or fingerprint) by computing a hash function derived from a file allocation table of the portable recording medium (see col. 5, lines 39-47).

Regarding **claims 8, 24 and 40**, DorEl discloses everything claimed as applied above (see *claims 1, 21 and 33*). The multimedia apparatus wherein the processing device is configured to be backward compatible to play those software programs that are formatted to be executed on at least one personal computer platform without requiring prior modification to such software programs (see col. 4, lines 8-31).

Regarding **claims 9, 25 and 41**, DorEl discloses everything claimed as applied above (see *claims 8, 24 and 40*). The multimedia apparatus wherein the processing

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device is compatible with an operating system selected from the group consisting of DOS, Linux, Mac OS, and Windows (see col. 4, lines 24-31 (windows)).

Regarding **claims 10, 26 and 42**, DorEl discloses everything claimed as applied above (see *claims 1, 17 and 41*). The multimedia apparatus wherein the processing device is configured to identify the software program independent of external networks (see col. 7, lines 37-50).

Regarding **claims 11, 27 and 43**, DorEl discloses everything claimed as applied above (see *claims 1, 17 and 41*). The multimedia apparatus wherein the output means is configured to provide the image data in a format compatible for display by a television monitor in the home entertainment system (see col. 2, lines 57-67 and col. 3, lines 1-2).

Regarding **claims 12, 28 and 44**, DorEl discloses everything claimed as applied above (see *claims 1, 17 and 41*). The multimedia apparatus wherein the processing device is configured to perform personal computer tasks and the output means is configured to provide the image data in a format that does not require a computer monitor (see col. 2, lines 5-11 and col. 7, lines 19-27).

Regarding **claim 55**, DorEl discloses a method for installing a software program, the method comprising (see col. 3, lines 3-15):

defining a known computer system (MPC) for executing the software program (see col. 4, lines 8-31), the known computer system at least partially defining a known installation procedure for the known computer system (see col. 5, lines 17-26); and
providing a script defined at least in part by the known installation procedure (see col. 5, lines 60-66).

Regarding **claim 56**, DorEl discloses a method for installing a software program, the method comprising (see col. 3, lines 3-15):

providing a database that contains installation information (see col. 3, lines 10-15);
updating (entries) the database (table) via at least one of a network and portable media (multimedia medium) (see col. 3, lines 13-15) with installation procedures for installation of a software program (see cited portion, but not limited to col. 3, lines 3-15, col. 5, lines 17-26); and
using the installation information to perform an installation of the software program (see col. 5, lines 17-26).

Regarding **claim 57**, DorEl discloses everything claimed as applied above (see *claim 56*). The multimedia apparatus wherein the instruction set comprises an installation script (see col. 5, lines 60-66).

Regarding **claim 58**, DorEl discloses everything claimed as applied above (see *claim 56*). The method wherein the database contains a plurality of installation scripts (executing a specified "run" protocol, copying files etc) for a plurality of software programs (CD-ROM disc, video and audio CD's (col. 5, lines 35-39)) (see col. 5, lines 60-66).

Regarding **claim 59**, DorEl discloses a method for installing a software program, the method comprising (see col. 3, lines 3-15) using a script to at least partially install the software program without identifying the software program (if the CD-ROM title is not stored in the IST) (see col. 5, lines 60-67 and col. 6, lines 1-10).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 13-16, 32, 45-54 and 60** are rejected under 35 U.S.C. 103(a) as being unpatentable over DorEl (U.S. Patent No. 5,721,951) in view of Ooe (U.S. Patent No. 5,901,328)

Regarding **claims 13, 29 and 45**, DorEl discloses everything claimed as applied above (see *claims 1 and 17*). A method for automatically installing a software program

from a CD-ROM/DVD, facilitating automatic installation of the software program (see col. 3, lines 3-15).

However, DorEI fails to specifically disclose storing an instruction set in a header information area of the CD-ROM/DVD.

Ooe discloses storing an instruction set in a header information area of the disk (see col. 12, lines 28-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify DorEI's invention with the above mentioned limitation as taught by Ooe for the advantage of improving performance.

Regarding **claims 14, 30 and 46**, DorEI discloses everything claimed as applied above (see *claims 13, 29 and 45*). The multimedia apparatus wherein the software program comprises a game (see col. 8, lines 9-14).

Regarding **claims 15, 31 and 47**, DorEI discloses everything claimed as applied above (see *claims 13, 29 and 45*). The multimedia apparatus wherein the instruction set comprises a script (see col. 5, lines 60-66).

Regarding **claims 16, 32 and 48**, DorEI discloses everything claimed as applied above (see *claims 13, 29 and 45*). The multimedia apparatus wherein the instruction set comprises an installation script (see col. 5, lines 60-66).

Regarding **claim 49**, DorEl discloses a computer readable medium comprising (see col. 2, lines 51-56):

software program (see col. 2, lines 51-56) and facilitating installation of the software program (see col. 3, lines 3-15), software program thereby providing drop and play functionality with the use of a look-up table or database containing installation for each of numerous multimedia software titles (see cited portion, but not limited to abstract, lines 11-21, col. 5, lines 17-26).

However, DorEl fails to specifically disclose a header information area, a data area and an instruction set stored in the header information area.

Ooe discloses a header information area (see col. 9, lines 36-38 and fig 9); a data area (see col. 5, lines 60-66 and fig 4 (116)) and an instruction set stored in the header information area (see col. 12, lines 28-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify DorEl's invention with the above mentioned limitation as taught by Ooe for the advantage of retrieving stored programs.

Regarding **claim 50**, DorEl discloses everything claimed as applied above (see *claim 49*). The multimedia apparatus wherein the software program comprises a game (see col. 8, lines 9-14).

Regarding **claim 51**, DorEl discloses everything claimed as applied above (*see claim 49*). The multimedia apparatus wherein the instruction set comprises a script (*see col. 5, lines 60-66*).

Regarding **claim 52**, DorEl discloses everything claimed as applied above (*see claim 49*). The multimedia apparatus wherein the instruction set comprises an installation script (*see col. 5, lines 60-66*).

Regarding **claim 53**, DorEl discloses everything claimed as applied above (*see claim 49*). The computer readable medium wherein the computer readable medium comprises a CD-ROM (*see col. 2, lines 51-56*).

Regarding **claim 54**, DorEl discloses everything claimed as applied above (*see claim 49*). The computer readable medium wherein the computer readable medium comprises a DVD (*see col. 8, lines 66-67 and col. 9, lines 1-2*).

Regarding **claim 60**, DorEl discloses a method for installing a software program, the method comprising (*see col. 3, lines 3-15*):

providing the software program via a network (*see col. 7, lines 17-27*);

providing installation information (*see col. 3, lines 10-15*) and software program (*see col. 2, lines 51-56*); and

using the installation information to install the software program (see col. 5, lines 17-26).

However, DorEl fails to specifically disclose a header of a data transmission.

Ooe discloses a header of a data transmission (see col. 12, lines 34-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify DorEl's invention with the above mentioned limitation as taught by Ooe for the advantage of retrieving stored programs.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-

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1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/nne

July 18, 2008.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623